

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kwaku Kwateng, Pro Se

21 CV 11089

Write the full name of each plaintiff.

CV
(Include case number if one has been assigned)

-against-
Jelena McWilliams, Chairman,

Do you want a jury trial?

☒ Yes ☐ No

Federal Deposit Insurance Corporation (FDIC)

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

RECEIVED
SDNY PRO SE OFFICE
2021 DEC 28 PM 12:01

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Kwaku</u>	<u>Kwateng</u>
First Name	Last Name
<u>12399 Flatlands Ave. Apt. 2E</u>	
Street Address	
<u>Brooklyn</u>	<u>NY</u>
County, City	State
<u>508-864-4516</u>	<u>11207</u>
Telephone Number	Zip Code
<u>kejagg@yahoo.com</u>	<u></u>
Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	<u>Jelena McWilliams, Chairman, FDIC</u>
	Name
	<u>550 17th Street, N.W.</u>
	Address where defendant may be served
	<u>Washington</u>
	<u>DC</u>
	<u>20429-9990</u>
	County, City
	State
	Zip Code
Defendant 2:	<u></u>
	Name
	<u></u>
	Address where defendant may be served
	<u></u>
	County, City
	State
	Zip Code

Defendant 3:

 Name

 Address where defendant may be served

 County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Federal Deposit Insurance Corporation

 Name

12399 Flatlands Ave. Apt. 2e

 Address

New York

NY

10118

 County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: Black
- ☐ color: _____
- ☐ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☐ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☐ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Plaintiff was subject to discrimination and/or harassing/hostile work environment based on race (I am black) from early 2014 to May 2020 (as discovered). Please see attached original complaint filed with the EEOC. I am no longer employed (as of July 9, 2021) with Defendant so, the acts stopped.

Exhaustion of Administrative Procedures and Remedies:

~~I initiated informal EEO counseling on 10/09/20, alleging discrimination was not successful in resolving.~~
On 09/03/20, I received a Notice of Right to File a Formal Discrimination Complaint. On 09/17/20, I filed a formal complaint of discrimination and a hostile work environment/harassment based on race (Black). I received the Agency's decision to dismiss my claims for untimely EEO Counselor contact on 11/19/20.

Both appeal (on 01/15/21; decision on 05/25/21) and reconsideration (on 06/17/21; decision on 9/28/21)

upheld the Agency's dismissal decision for untimely EEO contact.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? October 9, 2020

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? September 3, 2020

When did you receive the Notice? September 3, 2020

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

1. Compensatory damages for the emotional and psychological distress caused by Defendant's conduct; _____

2. Punitive damages for Defendant's intentional and/or indifferent conduct; _____

3. All employment benefits I would have enjoyed had I not been discriminated against; _____

4. Expenses of litigation, including reasonable attorneys fees; and _____

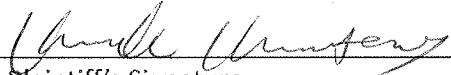
5. All other relief the Court deems just and proper. _____

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>December 28, 2021</u>		<u></u>
Dated		Plaintiff's Signature
Kwaku		Kwateng
First Name	Middle Initial	Last Name
<u>12399 Flatlands Ave. Apt. 2E</u>		
Street Address		
<u>Brooklyn</u>	<u>NY</u>	<u>11207</u>
County, City	State	Zip Code
<u>508-864-4516</u>	<u>kejagg@yahoo.com</u>	
Telephone Number	Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

**Federal Deposit Insurance Corporation
FORMAL COMPLAINT OF DISCRIMINATION
Agency Docket Number FDICEO-20-044**

Note: This form is to be used if you believe you have been discriminated against because of race(s) color, national origin, sex, age, mental disability, physical disability, religion, sexual orientation, gender identity or expression, parental status, genetic information, or reprisal. Read carefully the instructions on page 3 of this form prior to completion.

Name of Complainant (Last, First, MI) Kwateng, Kwaku		Position (Job Title/ Pay Plan/ Series/ Grade) Senior Complex Financial Institution Analyst/CG/15		Individual <input checked="" type="checkbox"/> Class <input type="checkbox"/> (Check type of complaint)	
Home Address (Number, Street, City, State, Zip Code) 12399 Flatlands Ave. Apt. 2E Brooklyn, NY 11207				Home Phone (Area Code-Number): 508-864-4516	
				Work Phone (Area Code-Number): 678-640-0478	
				Fax Number (Area Code-Number): None	
				E-mail Address: <u>kkwateng@fdic.gov</u> – work Personal: <u>kejagg@yahoo.com</u>	
Work Address (Division/ Office & Number, Street, Room No., City, State, Zip Code) 350 5th Avenue New York, New York 10118				Name & Address of Office you believe discriminated against you (Division/ Office & Number, Street, Room No., City, State, Zip Code) Division of Complex Institution Supervision and Resolution (CISR) 350 5th Avenue New York, New York 10118	
Does Complainant have a Representative? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is Representative an Attorney? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Representative's Name: Zachary Carrabine				Name of Firm (If applicable): The Devadoss Law Firm PLLC	
Representative's Address (Number, Street, City, State, Zip Code) 14651 Dallas Parkway, Suite 144 Dallas, TX 75254				Designation of Representative Form Completed and Attached? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
				Phone (Area Code-Number): 972-726-7400	
				Fax Number (Area Code-Number): 972-726-7475	
Basis(es) of Allegation(s) ("X" appropriate box(es) and specify)					
<input checked="" type="checkbox"/> RACE(s) <i>Specify</i> Black	<input type="checkbox"/> DISABILITY (Specify)	<input type="checkbox"/> GENETIC INFORMATION (Specify)		<input type="checkbox"/> REPRISAL for participating in any stage of an administrative or judicial proceeding covered by the anti-discrimination complaint statutes or for opposing any practice made unlawful by such statutes (Specify the protected activity and date).	
<input type="checkbox"/> COLOR (Specify)	<input type="checkbox"/> RELIGION (Specify)	<input type="checkbox"/> GENDER IDENTITY OR EXPRESSION (Specify)			
<input type="checkbox"/> NATIONAL ORIGIN (Specify)	<input type="checkbox"/> SEXUAL ORIENTATION (Specify)	<input type="checkbox"/> AGE (Specify)			
<input type="checkbox"/> Sex (Specify)	<input type="checkbox"/> PARENTAL STATUS (Specify)	DOB:			
Have you raised this claim(s) in another forum (Such as a grievance or with the Merit Systems Protection Board or U.S. District Court)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
If Yes, specify the forum and give the date(s) filed:					
Have all alleged discriminatory matters in this complaint been discussed with a FDIC EEO Counselor? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Name of EEO Counselor: Donald Ballard				Date Notice of Right to File a Formal Complaint received: 9/3/2020	

Federal Deposit Insurance Corporation
FORMAL COMPLAINT OF DISCRIMINATION
Agency Docket Number FDICEO-20-044

Complainant's Signature: *Kwaku Kwateng*

Date Signed: 09/17/2020

CLAIM NUMBER 1

I believe that I suffered discrimination based on _____ [choose one or more: race(s), color, national origin, sex, age (40 and over), mental disability, physical disability, religion, sexual orientation, gender identity or expression, parental status, genetic information or reprisal], when on _____,
(Date)

[Explain clearly, concisely, and with specificity the action, inaction, decision, practice, or policy that you believe is discriminatory.]

See attached.

[Provide names of involved management official(s) and/or witnesses]

See attached.

[Explain why you believe the action was discriminatory, e.g. discriminatory statements, others who were treated more favorably, and/or any other reason(s)]

See attached.

What corrective action are you seeking?

See attached.

**Federal Deposit Insurance Corporation
FORMAL COMPLAINT OF DISCRIMINATION
Agency Docket Number FDICEO-20-044**

CLAIM NUMBER 2

[Use same format as for Claim Number 1 above] Attach additional sheets, if necessary.

**Federal Deposit Insurance Corporation
FORMAL COMPLAINT OF DISCRIMINATION
Agency Docket Number FDICEO-20-044**

The purpose of this form is to help you provide information necessary for processing a complaint of discrimination. Although it is preferable that you use this form, you are not required to do so; you are not limited to answering the questions on the form if there is other information you wish to provide. However, if you do not wish to use the form, your complaint must contain the information requested on the form. Your complaint, whether or not it is on the form, must bear an original signature. Each claim must have been discussed with a FDIC Equal Employment Opportunity (EEO) Counselor.

You should use this form only if you believe you have been discriminated against because of race(s) (one or more), color, religion, sex, national origin, age, disability, sexual orientation, gender identity or expression, parental status, genetic information or retaliated against by the FDIC and have presented the alleged discriminatory matter(s) for informal resolution to an FDIC EEO Counselor within 45 calendar days of the date the alleged discriminatory incident occurred, or if a personnel action, within 45 calendar days of its effective date.

If the alleged discriminatory matter has not been resolved to your satisfaction within 30 calendar days or within the agreed upon extension period, and no notice has been provided within that time, you have a right to file a formal complaint on the 31st day after your initial interview with an FDIC EEO Counselor, or upon expiration of the agreed upon extension period.

The procedures for processing formal complaints of discrimination based on parental status differ from the procedures for processing complaints based on race, color, national origin, sex, age, mental disability, physical disability, religion, genetic information, sexual orientation, gender identity or expression, or reprisal, because the entitlement to file a discrimination complaint based on parental status is derived from Executive Order 13160, not statutory authority. Certain entitlements afforded by EEOC are not available to employees or applicants who raise complaints based on parental status. Specifically, complaints based on parental status cannot be the subject of a hearing before an Administrative Judge of the EEOC, or an appeal to the EEOC.

Upon conclusion of the counseling process, the EEO Counselor will provide you a Notice of Right to File a Formal Complaint. You have 15 calendar days from the date of your receipt of the Notice of Right to File a Formal Complaint to file a formal complaint. This time limit may be extended if you show that you were not notified of the time limit, were not otherwise aware of the time limits, or that you were prevented by circumstances beyond your control from submitting the complaint within the prescribed time limit, or for other reasons considered sufficient by the FDIC.

Your written complaint should be filed by you or by your designated representative with the Chairman of the FDIC, or Director of the Office of Minority and Women Inclusion (OMWI), or to the Chief, Complaints Processing Branch (OMWI). OMWI will acknowledge receipt of the complaint and provide you information regarding the processing of your complaint.

It is your responsibility to keep OMWI informed of your current mailing address, including your whereabouts if you will be away from your current mailing address for several weeks or more. You have the right to have a representative of your own choosing at all stages in the processing of your complaint. Also, it is your responsibility to immediately inform OMWI if you retain counsel or a representative. The designation of a representative must be in writing and include the representative's name, address, and daytime phone number.

If you need help in the preparation of your complaint, you may contact an FDIC EEO Counselor. You may also seek help from a representative of your choice.

PRIVACY ACT STATEMENT

Collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16. This information will be used to determine the timeliness of filing and to investigate and reach a determination regarding a complaint of discrimination. Other uses may include utilization of data for statistical or analytical studies. This information may be disclosed to: (1) the Equal Employment Opportunity Commission when requested in the performance of its authorized duties; (2) a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (3) the appropriate Federal, State, local agency or representative charged with enforcing or implementing a statute, rule, regulation or order, when it appears there may have been a violation or potential violation of a civil or criminal law or regulation; (4) another Federal agency, or to a court or in an administrative proceeding being conducted by a subpoena; or, (5) an authorized appeal grievance examiner, formal complaints examiner, administrative judge, EEO investigator, arbitrator or the duly authorized official engaged in the investigation or settlement of a grievance, complaint or appeal filed by an employee. The completion of this form is voluntary. However, failure to provide the requested information may lead to dismissal of your complaint.

CERTIFICATE OF SERVICE

I hereby certify that the Complainant's counsels' Formal Complaint was served on September 17, 2020 to the following parties via:

Email

Donald Ballard

Email: doballard@fdic.gov

Email: mmoran@fdic.gov



ZACHARY L. CARRABINE, ESQ.
ATTORNEY FOR THE COMPLAINANT



Federal Deposit Insurance Corporation
3501 Fairfax Drive, Room E-2061, Arlington, VA 22226-3500

Office of Minority and Women Inclusion

September 3, 2020

VIA ELECTRONIC MAIL, RECEIPT ACKNOWLEDGED REQUESTED
zachary@fedemploymentlaw.com

Zachary Carrabine, Esquire
14651 Dallas Parkway, Suite 144
Dallas, TX 75254

RE: Agency Docket Number FDICEO-20-038

SUBJECT: Notice of Right to File a Formal Discrimination Complaint

Dear Mr. Carrabine:

As I discussed with you and your client, I am issuing this Notice of Right to File a Formal Discrimination Complaint (NRTF) because the claims your client brought to my attention were not resolved within the 30 calendar days informal Equal Employment Opportunity (EEO) counseling period.

On July 9, 2020, your client contacted the Office of Minority and Women Inclusion (OMWI) to discuss claims of discrimination and to pursue resolution of his claims through the EEO counseling process. The claims have not been resolved and now you or your client may now file a formal discrimination complaint based on race(s) (one or more), color, religion, sex, sexual orientation, gender identity or expression, genetic information, parental status, national origin, physical or mental disability, age, and/or reprisal.

The formal discrimination complaint must be in writing, signed, and filed **within 15 calendar days from the date you receive this Notice**. You or your client may complete the enclosed FDIC Formal Discrimination Complaint Form (FDIC 2710/01). If you elect to use the enclosed FDIC Formal Discrimination Complaint Form, please provide all the information requested, sign and submit the completed form. EEOC Regulations state that a complaint must be signed. A digital signature is sufficient. If it is impossible for you to physically sign or digitally sign the formal complaint form due to the circumstances involving the COVID-19 pandemic, you should submit an unsigned version of the formal complaint along with a statement explaining that it was impossible to sign the formal complaint.

If you wish to mail the formal complaint, please use the following address:

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF MINORITY AND WOMEN INCLUSION
ATTN: MICHAEL P. MORAN, CHIEF
COMPLAINTS PROCESSING BRANCH
ROOM E-2068
3501 FAIRFAX DRIVE
ARLINGTON, VA 22226-3500

Notice of Right to File Formal Complaint

At this time, email correspondence is strongly encouraged. Hard copy transmittals and facsimiles may not be received promptly, and hand delivery may not be received at all. Correspondence on this complaint may be emailed to doballard@fdic.gov and mmoran@fdic.gov.

A formal discrimination complaint is deemed timely if it is received by facsimile, email, or postmarked before the expiration of the 15-day filing period.

The formal discrimination complaint must be specific and contain only the claims that your client discussed with me, or that are like or related to the claims that were discussed with me. If the formal complaint includes any claims that were not previously discussed with me, your client may be referred back to EEO counseling on any claims that are not like or related to the claims for which he has already received counseling.

The formal discrimination complaint must also state whether your client has filed a grievance under a negotiated grievance procedure, or an appeal to the Merit Systems Protection Board on the same claims. Your client must also inform OMWI of your current mailing address if it changes at any time throughout the processing of your formal discrimination complaint.

FDIC employees must comply with FDIC policies and procedures related to the protection of Personally Identifiable Information (PII) and Sensitive Information (SI) during the EEO process. Please review the enclosed guidance regarding the handling of PII and SI. Also, see FDIC Circular 1360.9, Protecting Sensitive Information, and FDIC Circular 1360.20, FDIC Privacy Program, for additional information.

Additional information about the formal discrimination complaints process is contained in the Rights and Responsibilities of Individuals in the EEO Counseling Process your client received during counseling. If you have any questions, please contact me at (571) 355-1240.

Sincerely,

**Donald G
Ballard**

Donald G. Ballard
EEO Counselor

Digitally signed by
Donald G Ballard
Date: 2020.09.03
16:48:37 -04'00'

Enclosures:

FDIC Formal Discrimination Complaint Form

cc: Kwaku Kwateng
12399 Flatlands Avenue, Apt. 2E
Brooklyn, NY 11207
kejagg@yahoo.com

My name is Kwaku Kwateng. I am a Senior Complex Financial Institution Analyst at the Division of Complex Institution Supervision and Resolution (CISR) in New York, New York. I have been subjected to discrimination and harassment on the basis of race (Black). Incidents of ongoing discrimination include, but are not limited to:

1. The treatment started in March 2014 when I joined the Citibank Team. Then shortly after that, I was told I cannot teach Asset and Liability Class in 2014 first few months with James Feeney as my Team Lead (not a supervisor at that time– but he was FDIC’s regulatory central point of contact for the bank). Mr. Feeney arrange with our supervisory Kent R. Bergey and another more senior manager and I was told I cannot teach anymore since I joined CFI; “the Corporation does not need me to teach at their school”. But later on, I found out this was not true, other people at CFI were allowed to teach at FDIC Corporate University (these are normally a flexible 1- or 2-week teaching assignment that can accommodate your normal work schedule). Note, Kent R. Bergey was my supervisor at JP Morgan Chase, he supervised both JP Morgan and Citibank, and I worked for him at JP Morgan in late 2013 and was allowed to teach. Mr. Bergey needed someone to go cover Citibank, so I went to Citibank in March 2014 from JP Morgan.
2. Mr. Feeney refused to approve a recommendation for a star award:

If I do something good about 98% of the time, he would not comment on it or say anything to the group of what I did. So, if I had a suggestion, I would not say it, I may give it to another staff to use it. The staff will get complemented for a good idea or something like that to the whole group. But this time, after he complimented Mr. Griffin, I asked (May 2, 2016) my Team Lead to reply back to him that was my idea. But this was a simple idea; contrast that with me finding an incorrect calculation for over 105 banks for over 20 years below. I never received any complimented nor did he make any announcement to that group of what I found and corrected. You can contrast this complement to Mr. Griffin for my simple idea to see that I am not treated the same as others.

In 2016 doing the Large Insured Depository Institutions (LIDI – banks with over \$10 billion in assets) report using data as of March 31, 2016, I was assigned to take over a new risk area (Liquidity) for a person that went on vacation. I discovered that the system generated calculation for Non-Maturity Deposits to Total Assets Ratio was incorrect. I did a manual calculation, then contacted the Quality Control person (Benjamin J. Breuninger) on June 7, 2016, and informed him of the incorrect calculation, provided him with the correct ratio and how to get the database query to point to the correct data element. After he checked with the experts and did what I told him, he got the same correct ratio I gave him (on June 8, 2016, he said “my calculation was spot on”) I forwarded this to my boss James Feeney on June 10, 2016, that all the banks were using incorrect calculations, he said nothing. I checked with the Systems Administrator (Christopher M. Shanahan) on June 29, 2016, and was informed about 105 (+-) large banks use that calculation for over 20 year, so the calculation had been incorrect for all

these years and the reports or calculations we used each quarter has been incorrect, so for 105 banks X 4 times (quarterly) a year for 20 years that is 8,400 (or even if 1,000) times we used wrong calculations in our reports.

In addition, during the same period, the IT Department converted the LIDI tables from SQL 2008 to 2012 (database), after the update all the data elements for the counterparty credit exposure were missing for all banks (over 100 banks because they all use the same database) - Nobody at FDIC noticed that including the IT department. I am the one that identify it and contacted Christopher M. Shanahan, Database Administrator on May 11, 2016, to check a correct it.

Because of these two findings and corrections I found above during that quarter, my Team Lead Dominic (Nick) B. Griffin, recommended me for a STAR Award (small amount from \$250 to \$1,000 max) and submitted it to my boss James Feeney for approval. Mr. Feeney refused to approve it. A month or so later I asked Nick and he resubmitted it again, again Mr. Feeney refused to approve it, so Nick said Kwaku I give up I do not know what else I can do. This was very demoralizing, and psychologically drained, tired, made it difficult to come to work, knew is the same old treatment that nothing good that I do is worth anything, but one minor mistake, Mr. Feeney would be ready to take action.

3. Mr. Feeney attacking me for an excess credit hours accusation:

During our team meeting on June 21, 2017 (around that date), my boss James C. Feeney, singled me out and told the team I used excess credit hours. Then I check and replied to the whole group on June 22, 2017, explaining why I used 20.3 credit hours for almost 6-month period. I had my regular job, then he assigned to a Sales Practices Exam; plus assigned to a Derivatives Horizontal Resolutions Team. In addition, I came back from vacation and my new teammate (John McCarthy) that was trying to complete my work while I was on vacation had a few errors that I needed to correct before we submitted the report. Furthermore, I worked over 12 hours on Saturday on my own time and did not charge it to the FDIC because the work for the resolution team was due that Monday. June 5th (a few days after I came back from vacation). But in any case, the credit hours I used are lower than some or most of the teammates that have been with the FDIC less year. I had an email response back from one teammate that "not to worry", because that person booked more hours than I did. We will save this for later rebuttal. But let them provide the number of credit hours used for each of the staff (12 of them during that meeting) from January 1 to June 26, 2017 and then see who used more credit hours and if all the other staff were treated the same way or why he singled me out. I am under constant hostile attack and mistreatment and making it very nervous and psychologically unbalanced not knowing what other attack he had plan for me. This is not a good way to live or work under.

4. Mr. Feeney prevented me from taking classes:

Approximately late 2017, at the beginning of the fiscal year, each employee is given the opportunity to select a few classes that he or she wants to attend (this is different from the PLA ones). I picked a few classes from FFIEC that I wanted to attend for the year at FDIC in Washington. Mr. Feeney did not sign me up for any of the classes I selected, but instead put me in to attend on January 8-11, 2018, an Interest Rate Risk Management Class (this is one of the classes I taught at Asset and Liability Management course back in 2013-14). This class I use to teach back in 2013-2014 when he arranged for our supervisor Kent Bergey and another to tell me I could not teach anymore. In addition, this is a course that I was one of the team members on a task force that helped to change the curriculum for back in 2012. I understand you may not be able to get the classes you selected but there are numerous other classes he could have sent me to learn something about FDIC or banking topic, but instead he sent me to the one I use to teach. I do not think it was an accident. I was psychologically really disturbed and insulted and very tired of fighting with him which will not get anywhere.

On March 22, 2018, I applied to use my PLA funds (each person gets \$2,400 or something like that a year) to take law classes at University of London online. Mr. Feeney did everything in his power to frustrate my purpose and provided me with mental and psychological and emotional distress. I told him about the psychological and emotional distress, but he could care less. He would wait a week or some time to pass, then make a statement with intentional omission of material facts and tell me I cannot take the class just to frustrate my purpose. He internationally made half-true (you can't take a class for a degree, the Administrator, Stephanie A. Gilliard said I told her I am taking it for a degree, etc. we have to see all the correspondence, but I challenged Stephanie to a polygraph test on May 1, 2018, email to her and cc Mr. Feeney) or untrue statements every step of the way to delay and frustrate me. After weeks of delays, on April 24, 2018 (more than a month after I applied for it and Mr. Feeney knowing it is already pasted the deadline – he knew because I told him weeks before about the deadline), he approved it. Then afterwards he questioned me again. He said the agreement said you cannot take classes to get a degree, but this was not true; but I said even if I take it for a degree the rule does not prohibit that. Lastly, he and the Administrator working alone or in concert denied my request stating that the rule said you cannot take a class with a foreign school and cancelled my request all together on May 2, 2018, – but I don't believe it so, there is not writing in the FAQ or agreement. According to Mr. Feeney Ms. Gilliard said she asked me why not take it in the US School and I said the cost is too high and I can get similar knowledge at a lower price online at University of London, therefore, she concluded I am getting a degree and so Mr. Feeney attacked me based on that. I was mental and psychological and emotional distress and drain and could not sleep for weeks and was difficult for me to come to work. It still bothers me today that Mr. Feeney can treat me like that and get away with it.

Each person gets approximately \$2,000 - \$2,400 a year in PLA funds to use for educational purposes. I believe this is part of the union agreement as a benefit. On 10/29/2019 Applied to use my PLA funds (each person gets \$2,000 - \$2,400 a year) for business writing class by signing up with the National Training Seminar Star12

Professional Edition. Then I can use this program for a two-day business writing class starting 11/14 – 11/15/2019. Mr. Feeney approved the initial Career Development Plan (CDP) that is the first step. Second step is to find a training which I did. The final step is to request the class and get supervisor's approval. Mr. Feeney did not approve the class up to today. The actual class about \$490 cost, but I am entitled to \$2,400 per year to use for classes. I even went as far as to state that this class will not require air fare so is at low cost to the FDIC. Because besides the \$2,400 for the actual class, the FDIC will also pay for travel, hotel, and per diem to attend these classes. Despite the cost savings to the FDIC, Mr. Feeney did not approve it. You can only carry over your PLA balance for maximum amount and for a limited time or you will lose it. I am sure I loss some of that money.

5. Mr. Feeney's refusal to approve my credit hours:

From January 6-17, 2020, I was assigned to teach Asset and Liability Class in Washington at Corporate University for 2 weeks. According to FDIC Corporate University rule, I was entitled to 40 hours of class preparation work (use work time to prepare), but due to his previous cruel treatment and possible repercussion I had to use my own time (40 – 50 hours) to prepare. Working at home and on weekends at no pay. I felt really tired, could not sleep, under stress and lots of anxiety because if I failed to adequately prepare and get feedback of a bad teaching performance that would be used against me. Mr. Feeney already told me that if I am going to teach this class, I must know my stuff. I told him Jim, this is the same class I used to teach bad in 2013 and-2014 when you told me I could no longer teach. I felt really depressed and hurt, demeaned, etc. because I had no outlet. Mr. Feeney was the judge, jury, and the executioner; he felt he can insult me with impunity.

Then I went to teach the class and booked a few credit hours (this is the equivalent of over-time, but you get no money for it – you can get that time off for those hours later). He sent me email that “he was not going to approve the hours, and no-one goes to Corporate University class that book credit hours”. I told him, Jim you as manager by agreeing for me to go teach should know that I am not a student; I am a teacher and required to work after hours to grade the students' work. For example, the students turn in their assignment on Wednesday at 5 pm (after working hours), then the instructors are to grade the assignment after class at night to turn them back in on Thursday morning and then to give students feedback later that morning. So how can I do that without working overtime (credit hours) after 5pm to do that? Everywhere I look is constant hostility from boss Feeney, all this leads to mental in-balance and stress, anxiety, avoidance of stress so working 50 hours at my own expense to spare my life from his torment.

6. Mr. Feeney is hostile towards me despite my excellent performance:

I provided an effective challenge to Citigroup on November 22, 2019, concerning explanation given for an “Argentina Spoofing” incident and as a result, the Bank had to correct a two page report and resubmit to FDIC, Office of the Controller of Currency (OCC), Federal Reserve Bank (FRB) of New York I went to meet my boss on

November 26, 2019, at 9.am. and told him again in person about my challenge to bank management after the meeting I reviewed the reports and noted the explanation given on November 21, 2019, Markets and Securities Services Quarterly Update meeting was not correct so I arrange a conference call with Bank management and they agree to correct it. Instead of telling me good job, my boss Feeney, asked me did not I get the meeting report before the meeting, I said yes. Then he said then why did not you see the error before that meeting. Note that the OCC and FRB both had several team members that received the report before and attended the meeting with me but none of them notice or challenged the bank before or after the meeting. Overall a very hostile attitude towards me from my boss Mr. Feeney even if I do something right. His behavior towards me continues to affect me greatly and keep me anxious, tired, helpless, and emotional destructed by not knowing what to expect and how hostile he was going to be towards me on any particular day.

On December 30, 2019, I sent an email to my boss James C. Feeney that the derivative notionals reported on our Executive Briefing Memos are incorrect; I provided the correct numbers and how to correct it for all our banks and asked that he gets the experts to opine on it. On January 2, 2020, my boss James Feeney came to our office on 388 Greenwich St., NY and wanted me to show him why I said the report that we produce and submit to senior management each month contained an inaccurate notional value for derivatives. At approximately 4:15pm, I was pointing to his computer screen with a pen in my hand, when he got so ferrous with me because I told him the numbers were incorrect for all the banks, he snatch the pen out of my hands with such force and ferry (committing mental/psychic and physical assault and battery) and I had to jump back in shock, mind you he is over 230 pounds and over 6 feet 3 inches and I am only 5 feet 7 inches 155 pounds. Laura D. Porfiris was sitting right next to Jim when he snatched that pen from me because he said I will destroy the computer monitor. For over 3 weeks I had nightmares about the incidence, could not sleep, tired and did not feel like going back to the workplace, could not concentrate, depressed, felt powerless other than to do something drastic. I continue to have flashbacks on this from time to time and sometimes I wake up in my slept thinking about it. I thought about going to file a police report. I email and told our Union Rep Sean Bartholomew about going to file a policy report, but he told me if I do then the FDIC might fire me because I will be suing Mr. Feeney as well as the FDIC. Overall, I am working in a very hostile environment from the treatments I receive from my boss Feeney. At one of our meetings he said it was not material that banks' reports of derivative notionals were off (incorrect in our report) by \$421 million for Citibank and JP Morgan Chase was off by \$613 million.

7. Weekly correspondence starting from January 2020:

Note in addition to my normal assigned duties, my supervisor assigned to read every document that the FDIC received from other regulators in particular OCC and FRB, then to note the significant items or findings, prepare a spread sheet then to send them out to the team. This process had a large back log and the prior work done by any staff was on a very limited basis. The level of details I was required to do was unprecedented, no staff was required to provide the level of detail I was subjected to do – I believe a sample of

the two reports will be prima facie evidence (will get it when I can print). All the documents from the FRB and OCC comes into our Dropbox (where they are saved), then I have to open each document to see if it is important or relevant to input onto the spreadsheet for later distribution to the team. Once I put it on the spread sheet, I was to save the document in the appropriate regulatory folder then delete the one from the Dropbox. During a meeting with my boss James Feeney, he had gone through the spreadsheet and all the regulatory and Dropbox others to see if I save the file in the correct folders which I did. Then he checked the Dropbox and found a file was still left in the Dropbox and one of the dates in the spread sheet did not make sense. He told me why I cannot do this simple job "even a 9th grader can even do this work". I told him that was hurtful to say that during our next week's meeting, but he did care or take note. I thought I was losing my mind when I know I did delete the file from the Dropbox. I could not sleep, feel with anxiety, and be subjected to insults, I made other simple mistakes. It took me about two weeks going over and searching to find out what happened and why been insulted.

At the end I found out that even if I move a file into the correct folder and then delete it from the Dropbox folder, some of the reports will show up again in the Dropbox. Sometimes it can be a week, a month, or two months later. Then I checked with Brian A. Capsavage one of my coworkers that has the access permission to go into the OCC or FRB database and get those files and put them into the Dropbox where I would start my work from there. Then he told me that happens a lot, the OCC and FRB send the same information over and over again on different dates and he just grab them and put them there. My task was to get files or documents that come into the Dropbox and to review and decide which ones are important to bring to the team's attention not to determine how they get there. For this I was insulted and demeaned, even if it was a mistake there was no need for the insults. The main aim of the task was to bring to the attention of the team important documents and where I filed them. I almost loss my mind over this, I could not sleep for over two weeks while trying to determine if I were losing my mind or what. During the same meeting he attacks me with hostility, where are the files coming from, how does it get to the Dropbox, etc. I told him I do not know; my job was to read the files and put the information on the spreadsheet and notify the teammates. The point here is he has been a manager for this bank for over 5 years and during all this time while others were doing it he never attacked them to find out how the files get there, etc. but felt safe to attack me? Over the two weeks I documented several files that I have copied and deposited in the right regulatory folder then deleted it from the Dropbox, yet they appeared again in the Dropbox or in other cases when I have not done any work on the files yet, but I noticed multiple copies of the same file name on the Dropbox.

8. Mr. Feeney weekly bullets email:

I received an email from Mr. Feeney on January 24, 2020, at 5:43pm, that he has not received weekly bullets (we are to send information of what is significant during the week at the bank) "from me for 7 weeks." "The last he received from you 12/6 so it has been 7 weeks" they are due every Friday." I emailed him back that this email is misleading, and I have reached my limit psychologically and mentally – he did not pay

me any mind. I pointed it out to him that the weekly bullets were cancelled when Peter Domasky who was Acting Associate Director left. Mr. Feeney's email cancelled: December 20, 2019, cancelled bullets due; Later he cancelled December 27, 2019, bullets. due Then his email on January 10, 2020, said we are still doing weekly bullets. I pointed it out to him that he was aware I was teaching in DC from January 6-17th, but in any case, from January 10th to 24th, how could that be 7 weeks? It was just a hostile work environment and constant harassment towards me any chance he gets. He creates a hostile environment and made up untrue or half-truths and I have to defend myself most of the time against false allegations. I lived constantly under stress and hostile work environment from James Feeney; I suffer anxiety anytime he emails or call me, I know mostly he is looking for something negative against. He negative behavior towards me had (and continue to have) a psychological and emotional toll on my, could not sleep and had nowhere to turn. Even if I point out the facts to him, he does not care or take notice of his psychological impact on me.

Why this discriminatory behavior is based on my race (Black):

With the exception of a few (1 -2) black ladies in administrative duties in Washington; for our annual meeting I go to for our group I can see no more than 3 black people (including these ladies); I believe the number of staff at CFI is approximately 135. CFI staffs supervise and monitor the largest and complex banks in the US such as JP Morgan, Citibank, Bank of America, Goldman Sachs, Wells Fargo, etc. There are only a small number (maybe 15) of CFIs, but the Large Bank Group you can have maybe 100 banks or more. I am not in the Large Bank group, but in the CFI – We do NOT want skew statistics for the Large Bank Group that would show maybe 4% blacks. There was an organizational change in late 2019 where CFI was combined with Division of Resolution into a new FDIC Division called Division of Complex Institution Supervision and Resolution. Still the number of blacks will be limited but a few more than the old CFI.

Other similarly situated employees outside of my protected class are not subjected to this harassing behavior I have experienced. I am constantly anxious due to Mr. Feeney always searching for negative matters to attack me on. I have trouble concentrations, difficulty sleeping, experience tiredness and anxiety about work, and I suffer panic attacks and tense muscles whenever Mr. Feeney contacts me.

I am seeking any and all remedies under the applicable law, including attorneys' fees.

I have retained the following law firm to represent me in this matter. Please contact my attorney at the address below with any questions on this matter.

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Sincerely,

Kwaku Kwateng